

REMARKS

1. In the above referenced Office Action, the Examiner rejected claims 11-13, 15-17, 40, 42-43, 45-47, 69-71 and 73-75 under 35 USC § 102 (b) as being anticipated by Watts (U.S. Patent No. 6,324,694); and claims 18-20, 41, 48-50 and 76-78 under 35 USC § 103 (a) as being unpatentable over Watts (U.S. Patent No. 6,324,694);, and claims 14, 44 and 72 under 35 USC § 103 (a) as being unpatentable over Watts (U.S. Patent No. 6,324,694) in view of Pack (U.S. Patent No. 7,337,457).

Claims 11-20, 40-50 and 69-78 are currently pending in this application. Claims 1, 40 and 69 have been amended. Claims 1-10, 29-39 and 58-68 have been cancelled. The rejections above have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 11-20, 40-50 and 69-78.

2. As discussed above, claim 11 was rejected under 35 USC § 102 (b) as being anticipated by Watts (U.S. Patent No. 6,324,694). Claim 11 has been amended to recite:

“wherein the hot key signal causes instructions to present for display an on-screen image overlaid on the video content, wherein the on-screen-image indicates availability of the alternate content, and wherein selection of the on-screen image by the user results in the terminal device supplying the alternate content.”

While Watts includes a tag value or identifier with primary content data that identifies subsidiary data, this tag value or identifier does not cause instructions to present for display an on-screen image overlaid on the video content that indicates availability of the alternate content, wherein selection of the on-screen image by the user results in the terminal device supplying the alternate content. In contrast, Watts displays and plays back subsidiary data that is synchronized to the currently tuned channel and source (see Watts, col. 9, lines 6-19). Watts displays two sources of data simultaneously, but Watts’ subsidiary data cannot be selected to direct the terminal device to supply alternative content, that is cached on the terminal device. Watts simply lacks this feature.

Further, while claims 14 and 18-20 were also rejected based on combinations of Watts with Pack (U.S. Patent No. 7,337,457) or Official Notice, these combinations do not correct the deficiency of Watts as discussed above. In particular, while Pack presents the display of a menu of URLs, these URLs are displayed in response to a viewer's activation of a "Web-Surfing" button. Pack does not cause instructions to present for display an on-screen image, wherein selection of the on-screen image by the user results in the terminal device supplying the alternate content. Further, Pack's URL menu is displayed over a still image, not "video content" as recited in amended claim 11.

For these reasons, claim 11 and claims 12-20 that depend therefrom, are patentably distinct from the prior art.

3. As discussed above, claim 40 was also rejected under 35 USC § 102 (b) as being anticipated by Watts (U.S. Patent No. 6,324,694). Claim 40 has been amended to recite:

"wherein the hot key signal causes instructions to present for display an on-screen image overlaid on a television program that is displayed based on the content signals, wherein the on-screen-image indicates availability of the alternate content and wherein selection of the on-screen image by the user results in the terminal device supplying the alternate content."

As discussed in conjunction with Claim 11, Watts includes a tag value or identifier with primary content data that identifies subsidiary data. Watts displays two sources of data simultaneously, but Watts' subsidiary data cannot be selected to direct the terminal device to supply alternative content, that is cached on the terminal device. Watts simply lacks this feature.

Further, while claims 41, 44 and 48-50 were also rejected based on combinations of Watts with Pack (U.S. Patent No. 7,337,457) or Official Notice, these combinations do not correct the deficiency of Watts as discussed above.

For these reasons, claim 40 and claims 41-50 that depend therefrom, are patentably distinct from the prior art.

4. As discussed above, claim 69 was also rejected under 35 USC § 102 (b) as being anticipated by Watts (U.S. Patent No. 6,324,694). Claim 69 has been amended to recite:

“wherein the hot key signal causes instructions to present for display an on-screen image overlaid on a television program that is displayed based on the content signal, wherein the on-screen-image indicates availability of the alternate content and wherein selection of the on-screen image by the user results in the terminal device supplying the alternate content.”

As discussed in conjunction with Claim 11, Watts includes a tag value or identifier with primary content data that identifies subsidiary data. Watts displays two sources of data simultaneously, but Watts’ subsidiary data cannot be selected to direct the terminal device to supply alternative content, that is cached on the terminal device. Watts simply lacks this feature.

Further, while claims 72, and 76-78 were also rejected based on combinations of Watts with Pack (U.S. Patent No. 7,337,457) or Official Notice, these combinations do not correct the deficiency of Watts as discussed above.

For these reasons, claim 69 and claims 70-78 that depend therefrom, are patentably distinct from the prior art.

Conclusions

For the foregoing reasons, claims 11-20, 40-50 and 69-78 are in condition for allowance and Applicant respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

No additional fees are believed to be due. The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No. 50-2126 (ATT02329).

RESPECTFULLY SUBMITTED,

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